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15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 DENNIS MONTGOMERY, an individual; and  
18 MONTGOMERY FAMILY TRUST, a California  
Trust,

19 Plaintiffs,

20 vs.

21 ETREPPID TECHNOLOGIES, L.L.C., a Nevada  
22 Limited Liability Company; WARREN TREPP,  
an individual; DEPARTMENT OF DEFENSE of  
23 the UNITED STATES OF AMERICA; and  
DOES 1 through 10,

24 Defendants.

25 AND RELATED CASE(S)

Case No. 3:06-CV-00056-PMP-VPC  
**Base File**

3:06-CV-00145-PMP-VPC

**NOTIFICATION TO COURT TO  
PROCEED WITH ETREPPID  
TECHNOLOGIES, LLC AND  
WARREN TREPP'S MOTION TO  
COMPEL PRODUCTION OF  
DOCUMENTS (DOCUMENT NO.  
1004)**

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1           Pursuant to the Order of this Court dated April 30, 2009 [Document No. 1027], eTreppid  
2 Technologies, L.L.C., and Warren Trepp, (hereinafter collectively referred to as “eTreppid”), by  
3 and through their counsel Holland & Hart LLP, hereby notifies the Court that eTreppid intends to  
4 proceed with its Motion to Compel Production of Documents [Document No. 1004].

5           eTreppid filed the subject Motion to Compel on April 9, 2009. At the April 20, 2009  
6 hearing, Montgomery’s counsel, Ellyn Garofalo, represented that Montgomery had already  
7 provided a substantial number of documents, and was in the process of searching for additional  
8 documents. Thereafter, the undersigned counsel for eTreppid engaged in a series of meet and  
9 confer discussions with Ms. Garofalo.

10          On April 22, 2009, eTreppid provided a specific list of documents that had been  
11 requested, but not produced. A true and correct copy of this letter is attached hereto as **Exhibit**  
12 **A**. On Friday, April 22, 2009, the undersigned counsel discussed these requested documents  
13 with Ms. Garofalo. The contents of this discussion are memorialized in a letter dated April 27,  
14 2009, a true and correct copy of which is attached hereto as **Exhibit B**.

15          On April 29, 2009, in a further attempt to meet and confer, counsel for eTreppid sent a  
16 further letter to counsel for Montgomery, requesting that, even if Montgomery could not  
17 immediately locate particular documents (such as documents indicating the location of safe  
18 deposit boxes and storage units), he prepare a list of all such safe deposit boxes and storage units.  
19 A true and correct copy of this letter is attached hereto as **Exhibit C**.

20          To summarize, eTreppid has requested that Montgomery provide the following  
21 documents:

- 22           • All cancelled checks written by Mr. Montgomery; between January 1, 2006 and  
23 the present.
- 24           • All financial records for any bank, credit union, brokerage, or other depository  
25 account of any kind whatsoever, whether domestic or foreign.
- 26           • Any evidence of life insurance held by Mr. Montgomery.
- 27           • Copies of all current vehicle registrations and proofs of insurance.

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- 1       • All promissory notes or other documents evidencing any loan, whether unsecured,  
2            secured by real property, or secured by personal property, including all mortgages  
3            and auto loans, obtained by Mr. Montgomery between January 2006 and the  
4            present.
- 5       • Any application for a loan filled out by Montgomery between January 2006 and  
6            the present.
- 7       • Pay stubs from any employer, including but not limited to, Blxware, from January  
8            2006 to April 22, 2009;
- 9       • All documents related to property purchased or sold, personal or real, from  
10          January 2002 to April 22, 2009;
- 11       • All documents related to gambling at any casino, including but not limited to credit applications, marker play, chips purchased, chips redeemed, payments from  
12          casinos, obligations to casinos;
- 13       • Any documents related to cash transactions, including, but not limited to, ATM  
14          machines, checks cashed, cashier's checks purchased.
- 15       • Any payments to family or friends or for the benefit of any family or friends.
- 16       • Wire transfers both received by, and sent by, Mr. Montgomery, and any and all  
17          documents related to the wire transfers.
- 18       • Documents related to any payments for services rendered.
- 19       • Payments of any kind to law firms.
- 20       • Promissory notes not only for real property or vehicles but for any loans, either as  
21          maker or payee.
- 22       • Source code and any all intellectual property of Blxware and/or Montgomery, as  
23          well as running and operative object code, all system documentation, and  
24          functional specifications.

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While the requested information is clearly relevant to eTreppid's efforts to collect its judgments against Montgomery, Montgomery has failed to provide these additional requested documents. Accordingly, eTreppid respectfully requests that he be ordered to do so.

Dated: May 6, 2009.

/s/  
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## **PROOF OF SERVICE**

I, Cynthia L. Kelb, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Holland & Hart LLP. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action. I am readily familiar with Holland & Hart LLP's practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

**On May 6, 2009, I caused the foregoing NOTIFICATION TO COURT TO PROCEED WITH ETREPPID TECHNOLOGIES, LLC AND WARREN TREPP'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS (DOCUMENT NO. 1004) to be:**

X filed electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail addresses:

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*Fax No. 310-907-2000*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on May 6, 2009.

/s/

Cynthia L. Kelb

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